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## ATTORNEYS AT LAW

JAN 0 6 2004

801 GRAND AVENUE - SUITE 3200 - DES MOINES, IA 50309-2721 PHONE: 515-288-3667 • FAX: 515-288-1338 • www.ipmvs.com

DATE:

January 6, 2004

TO:

**BOX DAC** 

**Examiner Channing Mahatan** 

Art Unit 1631

COMPANY: USPTO

PHONE:

FAX:

(703) 308-6916

FROM:

JOHN D. GOODHUE

NUMBER OF PAGES (Including cover):

ENCLOSED IS PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY and related papers

APPLICANT:

MARANAS, et al.

SERIAL NO

10/037,572

**FILED** 

November 9, 2001

TITLE

A MODELING FRAMEWORK FOR PREDICTING THE

NUMBER, TYPE AND DISTRIBUTION OF CROSSOVERS IN DIRECTED EVOLUTION

EXPERIMENTS

Grp./A.U.

1631

Examiner

Channing Mahatan

Conf. No.

6518

Docket No.

P05413US4



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FEE TRANSMITTAL  for FY 2004  Effective 10/01/2003. Patent fease are subject to annual volvidor.    Applicant claims small entity status. Size 37 CFR 1.27   TOTAL AMOUNT OF PAYMENT   (\$) 665.00    METHOD OF Pay	PTO/SB/17 (10-03) Approved for use through 07/31/2008. OMB 0681-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are regulred to respond to a collection of information unless it displays a valid OMB control number.									
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WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

De included on this form. Provide credit card information and authorization on P10-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/64 (10-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1985, no persons are required to respond to a collection of information unless it displays a valid OMB control number. PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED Docket Number (Optional) **UNINTENTIONALLY UNDER 37 CFR 1.137(b)** First named inventor: Costas D. Maranas 10/037,572 Group Art Unit: 1631 Application No.: C. Mahatan Filed: November 9, 2001 Examiner: Title: A MODELING FRAME WORK FOR PREDICTING THE NUMBER, TYPE AND DISTRIBUTION OF CROSSOVERS IN DIRECTED EVOLUTION EXPERIMENTS Attention: Office of Petitions Assistant Commissioner for Patents Box DAC Washington, D.C. 20231 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee -required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. 1. Petition fee Small entity-fee \$ 665.00 (37 CFR 1.17(m)), Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$ \_\_\_\_\_(37 CFR 1.17(m)) 2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ has been filed previously on \_ (identify type of reply): Is enclosed herewith. B. The issue fee of \$\_ has been paid/previously on \_\_\_\_ is enclosed herewith. [Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will very depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chiof Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/64 (10 Approved for use 10/31/2002. OMB 0851-C U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMME	0031 RCE					
Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number to respond to a collection of information unless it displays a valid OMB control number to respond to a collection of information unless it displays a valid OMB control number to respond to a collection of information unless it displays a valid OMB control number to respond to a collection of information unless it displays a valid OMB control number to respond to a collection of information unless it displays a valid OMB control number to respond to a collection of information unless it displays a valid OMB control number to respond to a collection of information unless it displays a valid OMB control number to respond to a collection of information unless it displays a valid OMB control number to respond to a collection of information unless it displays a valid OMB control number to respond to the collection of information unless it displays a valid OMB control number to respond to the collection of information unless it displays a valid OMB control number to respond to the collection of information unless it displays a valid OMB control number to respond to the collection of information unless it displays a valid OMB control number to respond to the collection of information unless it displays a valid OMB control number to respond to the collection of information unless it displays a valid OMB control number to respond to the collection of information unless it displays a valid OMB control number to respond to the collection of information unless it displays a valid OMB control number to respond to the collection of information unless it displays a valid OMB control number to respond to the collection of information unless it displays a valid of the collection of the collection of the collection of the collecti	nber.					
3. Terminal disclaimer with disclaimer fee						
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.						
☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).						
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
January 6, 2004 Jahn J. Horschurg. Date Signature						
Telephone						
Number:( 516) 288-3667 John D. Goodnue						
Typed or printed name						
801 Grand Avenue - Suite 3200 Address						
Enclosures: Fee Payment Des Moines, IA 50309-2721						
☑ Reply						
☐ Terminal Disclaimer Form						
Additional sheets containing statements establishing unintentional delay						
Other:						
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]						
I hereby certify that this correspondence is being:						
deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.						
transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.						
1-6-2004 John D. Heelle Date Signature						
Date						
John D. Goodhue  Type or printed name of person signing certificate						
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**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT

MARANAS, et al.

SERIAL NO

10/03/7,572

FILED

November 9, 2001

TITLE

A MODELING FRAME WORK FOR PREDICTING THE NUMBER,

TYPE AND DISTRIBUTION OF CROSSOVERS IN DIRECTED

**EVOLUTION EXPERIMENTS** 

Grp./A.U.

1631

Examiner

C. Mahatan

Conf. No.

6518

Docket No.

P05413US4

## STATEMENT ACCOMPANYING PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION

I, John D. Goodhue, hereby state as follows:

- 1. This application was abandoned unintentionally. The response to the Office Action of June 3, 2003 was prepared, signed and faxed on August 26, 2003 (see Exhibit A).
- 2. The Office Action was faxed to 1-703-746-9306 which appears to be the fax number associated with Art Unit 2100 (see Exhibit B).
- 3. The internal fax report shows that the fax transmission was "OK" (Exhibit A).
- 4. The Certificate of Facsimile accompanying the Amendment indicates that the Amendment should have been faxed to 1-703-872-9306 (Group 1600).

- 5. An IDS was filed in the case on November 20, 2003, without knowledge that the previously submitted amendment had not been received.
- 6. The undersigned was first made aware of the fact that the outstanding response had not been received via a telephone call on January 5, 2004 from Examiner Channing Mahatan.

7. The entire delay has been unintentional.

JOHN D. GOODHUE, Reg. No. 47,603 McKEE, VOORHEES & SEASE, P.L.C.

801 Grand Avenue, Suite 3200 Des Moines, Iowa 50309-2721 Phone No: (515) 288-3667

Fax No: (515) 288-1338 CUSTOMER NO: 27407

Attorneys of Record

- pw -